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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (Category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[29 January 1991]

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

1. The International Federation Terre des Hommes (IFTDH) is deeply concerned by the situation of refugees and migrant workers in the world, which poses one of the challenges society will have to face in the future and gives rise to a variety of repercussions. Such a situation, if not brought under control, can lead to all kinds of violations of law.

2. As far as it is possible to anticipate the future, there is no reason to think that the substantial movements of population from the South to the North that we are witnessing at present will slow down. The demographers predict that by 2050 there will be 10 billion people living on the planet, most of them in developing countries. If their economic condition remains the same,

they will inevitably look to the prosperity of the developed countries and their aging population, and will attempt to emigrate. No restrictive law would then be able to stem the flow of South-North migration without engendering serious disorder, violence and the violation of fundamental freedoms.

3. In order to avoid this stage being reached, it is necessary to take immediate and effective measures to prevent ever-more sizeable movements of population from the South to the North, that is to say measures which will encourage development in the countries concerned. The initial priority is to lighten the burden of foreign debt for developing countries and to undertake a revision of commodity prices. This is in the enlightened self-interest of the industrialized countries. However, sustained development rests not only on measures decided upon at the intergovernmental level but also on the determination of every ethnic or national group to control its own fate. In order to achieve this, popular participation must be encouraged and the efforts of local, national and international non-governmental organizations must be supported.

The case of Europe

4. Of the 15 to 16 million refugees registered throughout the world, some 800,000 have been accorded refugee status in Europe, i.e. only about 5 per cent of the total. 1/ Most refugees live in underprivileged continents like Asia. The number of asylum-seekers and migrant workers arriving in Europe is growing constantly and many States consider it to be destabilizing. There are several factors contributing to this migration, including underdevelopment, foreign debt, the deterioration of the environment, unequal distribution of resources and, of course, the deprivation of fundamental freedoms. It is clear that these are the factors that will have to be addressed first of all in order to stem the flow of migration.

5. Europe is in a period of far-reaching change. In the West, economic and political integration is well under way. In Eastern Europe, the developments seem even more radical. The old barriers between the two post-War blocs are crumbling and the way is opening towards new forms of cooperation. In this context, the issue of refugees and migrant workers takes on a new significance. The mixing of populations between East and West comes at a time when Europe is noting a record number of asylum-seekers from developing countries. Taking in one group must not hide the existence of others. The European countries should therefore equip themselves to deal with this dual challenge, at the same time respecting all the provisions of the international human rights instruments to which they are signatories. This implies, for example, spending up the procedures for granting refugee status and refraining from returning asylum-seekers to their country of origin if they will be in any sort of danger there.

1/ United Nations High Commissioner for Refugees statistics.

6. For this reason the IFTDH is particularly concerned by the fate met by some Turkish refugees of Kurdish origin in Bavaria (Federal Republic of Germany) as more and more families are being expelled from this Land. For instance, a family of seven people in Bayreuth has been threatened with expulsion to Turkey since the end of 1990, when in fact most of these refugees will be in considerable danger if they are forced to return to Turkey.

7. According to the evidence of a German tourist who met Mehmet Salih Agirman, a Kurdish former asylum-seeker, in Turkey this man was tortured when he returned to his country. He was arrested by the police as soon as he arrived in Istanbul and was detained for some time in the airport jail, where he was beaten and tortured. After being released on bail he had to report regularly to the police authorities. The same thing happened to a Turkish asylum-seeker, Sadettin Öztürk, his wife and their two children who lived in Gerolzhofen, a village in Bavaria. After being expelled to Turkey, according to press reports, they were arrested and accused of having harmed Turkey's reputation abroad.

8. On certain occasions the procedures for examining the cases of asylum-seekers in Bavaria have been rushed through or have not respected all the legal provisions in force. This was the case for the Celik family at Weiden, which was split up. The woman and the two little girls were expelled first in October 1990 without any inquiry to establish whether the members of the family were in danger of being subjected to cruel, inhuman or degrading treatment when they had returned to their country. On 24 January 1991 the father of the family and the younger son were also expelled from the territory of Bavaria.

9. Lastly, in Bayreuth, small children have been forced to witness their father being arrested and handcuffed before being expelled. The IFTDH would like to emphasize that this kind of experience will inevitably have highly adverse effects on these children's psyche and on their present and future behaviour.

10. This restrictive policy concerning asylum-seekers is by no means limited to the region of Bavaria or to the Federal Republic of Germany, it is practised in many Western European States and particularly in Switzerland.

Child refugees

11. The IFTDH is deeply concerned by the condition of displaced children, who make up almost half the world refugee population.

12. Physical vulnerability is one of their characteristics. They are susceptible to diseases caused by malnutrition, insanitary conditions, and changes in climate, food and water. The permanent strain of separation, displacement and stays in unsuitable locations are factors which amplify the risk of contagion. In addition, psychological problems render child refugees less able to confront the difficulties of life. Thus their formative years are marked by a significant physical and psychological handicap. Lastly, they are exposed to violence, deprivation, kidnappings, acts of piracy, forced recruitment and arbitrary detention. All this is in contradiction with the protection owed to children, which is codified in the Convention on the Rights of the Child.

13. In conclusion, the IFTDH would like to recommend that the Commission on Human Rights should invite all the States concerned:

(a) To harmonize their asylum procedure with the provisions contained in international human rights instruments;

(b) To refrain from returning asylum-seekers to their country of origin if they will be in any sort of danger there;

(c) To speed up, for strictly humanitarian reasons, the procedure for granting refugee status in cases where it has been excessively long;

(d) To take all necessary measures to provide decent living conditions to every child refugee who is in territory under their jurisdiction;

(e) To preserve the unity of the family in all circumstances and to facilitate reunion in cases where they have received child refugees.